

REMARKS

In response to the Office Action mailed September 18, 2008, Applicant respectfully requests entry and consideration of this amendment in view of the Request for Continued Examination filed herewith.

Applicant is amending each of claims 1-13 herein. Applicant respectfully submits that no new matter has been added by the claim amendments; support for which is provided throughout the application, including at least paragraphs [0022]-[0041] as found on pages 5-8 of the application as originally filed.

In the Claims

Applicant has amended claims herein solely to expedite prosecution of this application. In doing so, Applicant does not dedicate the subject matter of the amended claims, as filed or as previously pending, to the public, and does not acquiesce to the Examiner's reason(s) offered in support of the rejections of the amended claims or any claim(s) that depend therefrom. Applicant also reserves the right to seek patent protection for claims similar or identical to the amended claims, as filed or previously pending, in one or more subsequently filed, related applications.

Rejections Under 35 U.S.C. § 103

Claims 1-13 stand rejected under Section 103(a) as being unpatentable over U.S. Patent No. 5,708,778 to Monot ("Monot"), in view of U.S. Publication 2004/0186689 to Chu ("Chu"). Applicant respectfully traverses this rejection.

Applicant respectfully submits that Monot does not teach or suggest "receiving a frame directed to said local LAPB device from a remote LAPB device, said local LAPB device capable of being configured as a data computing equipment device or a data terminal equipment device" nor determining, "based upon information contained within said received frame whether said remote LAPB device is a data computing equipment device or a data terminal equipment device" and "if said received frame information indicates that said remote LAPB device is a data terminal equipment device, configuring said local LAPB device as a data computing equipment device" and "if said received frame information indicates that said remote LAPB device is a data computing

equipment device, configuring said local LAPB device as a data terminal equipment device,” all as recited in claim 1.

Monot is directed, generally, to automatically setting parameters for operation of terminal equipment coupled to carrier equipment in a network. (Abstract). Monot teaches a “series of probes and answers to iteratively restrict the current set of potential values for a parameter...until a correct value of the parameter can be determined.....” (Column 2, lines 31-35). Once a correct parameter value has been obtained, the terminal device is set accordingly. (Column 2, lines 35-36). Monot describes how to modify parameters for an existing connection between existing DTE and DCE devices. Monot, however, does not disclose or suggest establishing the configuration of a local LAPB device as a DTE device if the remote device is a DCE device and establishing the configuration of a local LAPB device as a DCE device if the remote device is a DTE device.

Applicant submits that Chu does not remedy the deficiencies of Monot. Specifically, Chu does not teach or suggest using “received frame information” to configure a device as either a DTE device if a DCE device is detected or as a DCE device if a DTE device is detected.

Chu is directed to a method of detecting whether a DTE device or a DCE device is connected through an RS232 port. (Abstract). According to Chu’s definition of the RS232,

a set of signals are defined for the serial RS232 port. The important signals in the present context are DTR (Data Terminal Ready) asserted by the console; DSR (Data Set Ready) asserted by the modem in answer to DTR; RTS (Request to Send) asserted by the sender; and, CTS (Clear to Send) asserted by receiver in answer to RTS. (Column 1, lines 21-26)

In Chu, a network device 10 includes an RS232 serial port 12 that can be coupled to either a DTE device such as a console or a DCE device such as a modem. (Column 3, lines 11-25, Fig. 1). Chu looks to changes in the DSR and CTS signals due to connection or disconnection of an RS232 cable to generate an interrupt. Depending on the state of the DSR and CTS signals, after receipt of the interrupt, Chu will determine what type of device is connected at the other end. (Column 3, lines 26-56). In Chu, however, “DSR and CTS are only sampled initially when a device is connected to or disconnected from the RS232 port. If these signals change between the time a device is connected and disconnected no transition in state will occur.” (Column 3, lines 57-61).

In Chu,

If a DTE device is detected as being connected through the serial port 12, then routines for interfacing the device 10 with the console or terminal are executed, however, if a DCE device is detected as being connected through the serial port 12, then the routine for interfacing with the modem are executed. (Column 3, line 63 - column 4, line 4).

Chu does not determine the type of device at the other end of a cable based on received frame information, as Chu's determination is based on the states of two discrete signals, i.e., the DSR and CTS signals. A combination of Monot in view of Chu would require a modification to Monot that is not taught or suggested in either reference. Additionally, the proposed modification of Monot in accordance with Chu would change Monot's principle of operation since the Monot protocol operates over a link that is frame-based and that does not include assertion of dedicated lines such as the DSR and CTS signal lines. ("If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious." See MPEP § 2143.01(VI) citing In re Ratti, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)). Accordingly, Applicant respectfully submits that the combination of Monot and Chu does not render obvious that which is recited in claim 1. Applicant respectfully submits that independent claim 1 is allowable over the cited combination of references, as are claims 2-4 for at least the reason that they depend either directly or ultimately from allowable claim 1.

Independent claim 5, as amended, is directed to an apparatus for "configuring a local LAPB device." In view of the arguments submitted above with respect to claim 1, and for at least the reason that the cited combination does not teach or suggest "a processing unit" for determining whether a "received frame" is indicative of a "remote LAPB device being one of a data computing equipment device and a data terminal equipment device using" data stored in a memory and "providing a configuration signal to said local LAPB device as a function thereof," Applicant submits, that claim 5 is allowable over the cited combination of references, as are claims 6-8 for at least the reason that they depend either directly or ultimately from allowable claim 5.

Independent claim 9, as amended, is directed to a method of “configuring a first LAPB device coupled to a second LAPB device in a network.” In view of the arguments submitted above with respect to claim 1, and for at least the reason that the cited combination does not teach or suggest “receiving a first frame from the second LAPB device directed to the first LAPB device, said first LAPB device capable of being configured as a first type of LAPB device or a second type of LAPB device” and “evaluating information contained within the received first frame to determine if the second device is one of the first type or the second type of LAPB device,” Applicant submits that claim 9 is allowable over the cited combination of references, as are claims 10-13 for at least the reason that they depend either directly or ultimately from allowable claim 9.

In sum, Applicant believes all pending claims are now in condition for allowance and a notice to this effect is earnestly solicited.

The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application. If necessary due to the submission of this paper, the Examiner is hereby authorized to charge any fees, or credit any balances, under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account No. 23-0804.

Respectfully submitted,

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